

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TODRICK MORRIS,

Plaintiff,

v.

DANIEL HINES, ET AL.,

Defendants.

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CIVIL ACTION NO. 5:20-CV-00036-RWS

ORDER

Plaintiff Todrick Morris, an inmate proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge.

The Defendants Tara Adams and Josephine Ropella filed separate motions to dismiss under Fed. R. Civ. P. 12(b)(6). After these motions were filed, Plaintiff sought and was granted leave to file an amended complaint. The Magistrate Judge issued a Report recommending the motions to dismiss be denied without prejudice to Defendants' right to re-file or re-urge the motions to dismiss or to take such other action in response to the amended complaint as may be appropriate. Docket No. 42. No objections were filed to the Report.

Because no objections to the Magistrate Judge's Report have been filed, neither party is entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, they are barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District

Court. 28 U.S.C § 636(b)(1)(C); *Douglass v. United Services Automobile Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 42) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the initial motions to dismiss filed by the Defendants Tara Adams and Josephine Ropella (Docket Nos. 7 and 25) are **DENIED WITHOUT PREJUDICE** to the Defendants' right to re-file or re-urge their motions to dismiss or to file an answer or such other motion as may be appropriate in response to Plaintiff's amended complaint (Docket No. 40).

So ORDERED and SIGNED this 9th day of March, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE